IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

KIMBERLY ANN BRININGER,

No. 3:16cv903

Plaintiff

(Judge Munley)

V.

(Chief Magistrate Judge

Schwab)

NANCY A. BERRYHILL acting Commissioner of Social Security,1

Defendant

ORDER

AND NOW, to wit, this 13 day of August 2017, we have before us for disposition Chief Magistrate Judge Susan E. Schwab's report and recommendation, which proposes the denial of plaintiff's social security appeal. No objections to the report and recommendation have been filed. and the time for such filing has passed. Therefore, in deciding whether to adopt the report and recommendation, we must determine if a review of the record evidences plain error or manifest injustice. FED. R. CIV. P. 72(b) 1983 Advisory Committee Notes ("When no timely objection is filed, the

¹Carolyn Colvin was the Acting Commissioner of Social Security at the time plaintiff filed this case. Since then, Nancy A. Berryhill has assumed the Acting Commissioner position. Pursuant to Rule 25(d) of the Federal Rules of Civil Procedure and 42 U.S.C. § 405(g), Berryhill is automatically substituted as the named defendant.

court need only satisfy itself that there is no clear error on the face of the record to accept the recommendation"); see also 28 U.S.C. § 636(b)(1); Sullivan v. Cuyler, 723 F.2d 1077, 1085 (3d Cir. 1983).

After a careful review, we find neither a clear error on the face of the record nor a manifest injustice, and therefore, we shall adopt the report and recommendation. It is hereby **ORDERED** as follows:

- 1) The chief magistrate judge's report and recommendation (Doc. 17) is **ADOPTED**;
- 2) The plaintiff's social security appeal (Doc. 1) is **DENIED**; and
 - 3) The Clerk of Court is directed to close this case.

BY THE COURT:

JUDGE JAMES M. MUNLEY United States District Court